



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board

Peter A. Jenkins, CHP, Ph.D. – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Jerry Hurst
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *Executive Director*

Rusty Lundberg,
Executive Secretary

MINUTES
OF
THE UTAH RADIATION CONTROL BOARD
March 12, 2013

Department of Environmental Quality
Multi Agency State Office Building
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Scott Bird
Brady Bradford (via teleconference)
Lindsey Christensen Nesbitt, Ph.D.
Richard Codell, Ph.D.
Commissioner Jerry Hurst
Rusty Lundberg, Executive Secretary
Ulrich Rassner, M.D.
Amanda Smith, Executive Director DEQ

BOARD MEMBERS

ABSENT/EXCUSED

Peter Jenkins, CHP, Ph.D.
Matt Rydalch

DRC STAFF/OTHER DEQ MEMBERS
PRESENT

Jeanell Collings, DRC Staff
Phil Goble, DRC Section Manager
John Hultquist, DRC Section Manager

Boyd Imai, DRC Staff
Ryan Johnson, DRC Staff
Craig Jones, DRC Section Manager
Laura Lockhart, AG Staff
Loren Morton, DRC Program Manager
Connie Rauen, DRC Staff
Sonja Robinson, DRC Staff
Spencer Wickham, DRC Staff

PUBLIC

Debbie Don, Citizen
Judy Fahys, Salt Lake Tribune
Laura Henderson, Citizen
Sarah Fields, Uranium Watch
Vern Rodgers, Energy Solutions
Jim Sweet, Gamma West
JoAnn Tischler, Energy Fuels Resources
Candance Ware, Legislative Auditor Office



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I. Welcome

GREETINGS/MEETING CALLED TO ORDER

Mr. Scott Bird, Vice Chairman, called the meeting to order at 1:01 p.m. He welcomed the Board members and the public.

II. Introduction of new Board members

Mr. Rusty Lundberg, Executive Secretary, announced that the remaining two Board positions have been filled. He introduced the new members, Dr. Lindsey Nesbitt and Mr. Matt Rydalch. Dr. Nesbitt gave a brief summary of her background. Mr. Rydalch was not in attendance.

III. Minutes (**Board Action**)

- a. Approval of the Minutes from the January 8, 2013 Board Meeting

MOTION MADE BY COMMISSIONER MR. JERRY HURST, TO APPROVE THE MINUTES OF JANUARY 8, 2013.

SECONDED BY RICHARD CODELL, Ph.D.

MOTION CARRIED AND PASSED UNANIMOUSLY

IV. Administrative Rules (**Board Action**)

- a. Changes from Executive Secretary to Division Director per S.B. 21 – Proposed final adoption following public comment of the following rules:
 - R313-12 - General Provisions
 - R313-14 - Violations and Escalated Enforcement
 - R313-15 - Standards for Protection Against Radiation
 - R313-17 - Administrative Procedures
 - R313-18 - Notices, Instructions and Reports to Workers by Licensees or Registrants -- Inspections
 - R313-19 - Requirements of General Applicability to Licensing of Radioactive Material
 - R313-22 - Specific Licenses
 - R313-24 - Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements

R313-30 - Therapeutic Radiation Machines
R313-35 - Requirements for X-Ray Equipment Used for Non-Medical Applications

Mr. Craig Jones, Section Manager, reminded the Board that at the January 8, 2013 Board meeting the Board approved the Division staff to file ten substantive rule changes with the Division of Administrative Rules. He informed the Board that during the thirty day public comment period two comments were received. The first comment came from the Executive Branch of Government, Mr. Hunter Finch. He identified an incorrect citation of the Utah Code in R313-12-3. The error can be fixed with a non-substantive change to the rule. The second comment was not related to the rule making action. Mr. Jones informed the Board that the Director recommends the Board set an effect date of March 19, 2013 for the substantive changes to the rules and the Board direct the Division Staff to file a non-substantive change with the Division of Administrative Rules to correct R313-12-3.

MOTION MADE BY COMMISSIONER MR. JERRY HURST, TO SET AN EFFECTIVE DATE OF MARCH 19, 2013 FOR THE SUBSTANTIVE RULE CHANGES AND DIRECT DIVISION STAFF TO FILE A NON-SUBSTANTIVE CHANGE WITH THE DIVISION OF ADMINISTRATIVE RULES TO CORRECT R313-12-3.

SECONDED BY ULRICH RASSNER, M.D.

MOTION CARRIED AND PASSED UNANIMOUSLY

V. Information Items

- a. Low-level Radioactive Waste Disposal – *EnergySolutions*
 - i. Depleted Uranium Performance Assessment

Mr. Rusty Lundberg, Executive Secretary, informed the Board the Division is in the final stages of putting in place a technical contractor to assist the Division in the review of the performance assessment submitted by *EnergySolutions* in 2011. The Division anticipates the process to be finalized in early April. Discussion followed

- ii. License/Permit Renewals
 - 1. 11e.(2) Byproduct – DRC Request for Information
 - A. Stakeholder meeting held on January 16, 2013
Meeting materials available at:
<http://www.radiationcontrol.utah.gov/EnSolutions/licamends.html>

Mr. Rusty Lundberg, Executive Secretary, reminded the Board that a couple of years ago the Division went through a process to evaluate and improve business processes particularly the licensing and permitting of the Clive facility in Tooele County. From that process, it was determined there was an opportunity to involve the public as stakeholders earlier in the business process. Mr. Lundberg then informed the Board after the initial review of the license renewal

application, it was determined that additional information was needed from *EnergySolutions*. The public was invited, as stakeholders to be apart of the meeting with *EnergySolutions* where the additional information to complete the application and further the review of the renewal was discussed with them.

b. Uranium Mills

i. Energy Fuels Resources (White Mesa Mill)

1. Groundwater Protection

A. Petition to Intervene and Request for Agency Action – Ute Mountain Ute Tribe

Ms. Laura Lockhart, Attorney General's Staff, informed the Board that the Ute Mountain Ute Tribe filed a request for agency action in January 2013, challenging a plan that the Division had approved to address a nitrate plume at the White Mesa Uranium Mill. The next step is conversation with the Tribe, if that doesn't resolve the issue, an Administrative Law Judge (ALJ) will be appointed. Once an ALJ is appointed the time to resolution is four to six months. She also informed the Board that a Request for Agency Action was filed by Uranium Watch which contains a procedural concern regarding *EnergySolutions* 11e.(2) license.

ii. Uranium One (Shootaring Canyon) – Change of Indirect Control

Mr. Rusty Lundberg, Executive Secretary, informed the Board that the current owner of the Shootaring Canyon Uranium Mill, Uranium One Americas, common shares have been bought by Uranium One Inc. This is no change in the direct control by Uranium One Americas as the licensee. The company has now gone from a publicly held company to a privately held company.

c. Other Division Items

i. Legislative Update

Mr. Rusty Lundberg, Executive Secretary, updated the Board on the issues under consideration during the current legislative session. HB 124, which would enhance the oversight of the Clive facility. If the bill passes there would be civil penalty increases in the statute, visual inspections of Generator Sites by Division staff, and it will set time frames for licensing activities. There is also a resolution concerning radon to further enhance radon education and the testing of radon in residential and commercial properties. Discussion followed

d. NRC Activities

i. Site-Specific Analysis Rulemaking (10 CFR Part 61, Licensing Requirements for Land Disposal of Radioactive Waste) – SECY-13-001, December 31, 2012

Mr. Rusty Lundberg, Executive Secretary, gave the Board background information on the NRC's proposed rule change. He directed the Board to the information in the packet concerning the NRC's staff recommendations for improving the integration of the ongoing 10 CFR Part 61 rulemaking initiatives.

ii. Abnormal Occurrence Report to Congress

Mr. Craig Jones, Section Manager, informed the Board that sometime in the next month the staff of the NRC is going to submit the Abnormal Occurrence Report to Congress. The report will include a medical event that occurred at the Intermountain Medical Center in Murray, Utah. Mr. Jones described the event to the Board.

iii. Integrated Materials Performance Evaluation Program (IMPEP) Periodic Meeting with the Division of Radiation Control – March 21, 2013

Mr. Rusty Lundberg, Executive Secretary, informed the Board that part of being an agreement state with the Nuclear Regulatory Commission, (NRC), for administering the Low Level Radioactive Waste, Radioactive Material, and 11e.(2) Byproduct material programs, the NRC evaluates the administration of these various programs on a regular schedule. The periodic meeting has been scheduled on March 21, 2013.

VI. Public Comment

Ms. Laura Henderson, Utah citizen, spoke to the Board concerning Depleted Uranium.

VII. **Next Scheduled Board Meeting: Tuesday, April 9, 2013**

Multi Agency State Office Building, Conference Room 1015
195 North 1950 West
Salt Lake City, Utah

1: 52 pm Meeting adjourned

For those individuals needing special assistance in accordance with the Americans with Disabilities Act, please contact Brooke Baker Garrett at the Utah Department of Environmental Quality, at 195 North 1950 West, Salt Lake City, UT 84116, Office of Human Resources at (801) 536-4412, TDD (801) 536-4414, or by email at: bbaker@utah.gov.